

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER

Tuesday, October 4, 2005 Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Donna Gebicke, Administrative Assistant (Recorder)

**Kate Mauck, Senior Administrative Coordinator
(Recorder)**

**Susan Wolfe, Acting Senior Administrative Coordinator
(Recorder)**

Kate Mauck recorded the following minutes:
CALL TO ORDER

The meeting was called to order at 9:10 a.m. APPROVAL OF CHECK REGISTER Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0. **APPROVAL OF MINUTES** Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, September 27, 2005. Motion carried, 5-0. **PROCLAMATION – NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH**

The Board of County Commissioners presented a proclamation to representatives from Walden/Sierra, Inc., in honor of National Domestic Violence Awareness Month. EIGHTH ANNUAL SOUTHERN MARYLAND FARM LIFE FESTIVAL – INVITATION FROM CHRISTMAS IN APRIL

Present: Mary Ann Chasen, Executive Director, Christmas in April

John Parlett, Jr.

Ms. Chasen and Mr. Partlett extended an invitation for Commissioners and citizens to attend the Eighth Annual Southern Maryland Farm Life Festival, which will be held this weekend. The event is an annual benefit for Christmas in April and is held at the Parlett family farm.

Commissioner President McKay asked Mr. Forrest to contact the Transportation Department to ensure that STS bus service is provided to and from the Parlett farm this weekend.

THREE NOTCH THEATER – UPCOMING PRODUCTION – "WAR OF THE WORLDS" Present: Fred Ruark, Director, Newtowne Players

Kerry Robinson, Assistant Director

Wendy Heidrick, Artistic Director

An invitation was extended to the Commissioners as well as the public to attend the Three Notch Theater's upcoming production of "War of the Worlds."

METROPOLITAN COMMISSION – REQUEST APPROVAL FOR FIVE NEW POSITIONS

Present: Steve King, Director

Bill Shreve, Assistant Director

Anne Mary Cullins, HR Director

Mike Sullivan, Facilities Manager

Frank Taylor, Chair, Commission Member

Kevin Suggs, Commission Member

Bobby Gant, Commission Member

Gilbert Murphy, Commission Member

Tim Wood, Commission Member, Commission Member

Chester Frederick, Commission Member

Representatives from the Metropolitan Commission outlined a request for approval for five new regular full-time positions as follows: Assistant Engineer for Construction, Project Manager, Engineering Administrative Support Clerk, and two Maintenance Specialists. According to Chapter 113 of the Public Local Laws of St. Mary's County, approval of new Metropolitan Commission staff positions can only be authorized by the St. Mary's County Board of County Commissioners. Reasons for the need for additional staff were outlined and questions regarding the amounts listed for salaries for engineering positions were raised. Commissioner Dement moved to approve the five positions. The motion died due to lack of a second on the motion.

Commissioners directed Mr. King to bring back a clear financial impact statement, cost comparisons, direct savings information, salary scales of the positions, benefits package costs, information on replacement of contract personnel (if applicable), and an outline of what the entire cost would be to date. The matter should be placed on an upcoming agenda as soon as possible.

COUNTY ADMINISTRATOR

1. Draft Agenda for October 11 and 18, 2005

Commissioner Raley asked Mr. Forrest to provide an update on the Wicomico Shores Golf Course Committee, and to report on the status of where the county is at with the Taxing District issue. In addition, Mr. Forrest will double-check with Phil Rollins, Director of Recreation, Parks, and Community Services, to find out if information was provided to the citizen requesting the information regarding the golf course issue (information was given recently in the form of an e-mail to the Commissioners).

2. Department of Social Services Present: Elaine Kramer, Chief Financial Officer

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to authorize the use of the Board of County Commissioners' Emergency Appropriation Reserve and approve and authorize the Commissioner President to sign related Budget Amendment in the amount of \$2,050 to increase the Department of Social Services account to cover burial expenses for families that have been carefully screened and deemed unable to pay these burial costs. Motion carried, 5-0.

3. County Attorney Present: John B. Norris, III

Commissioner Mattingly asked Mr. Norris to provide information on whether or not public water will be extended to New Market Park & Ride facility.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Development Review Application for the New Market Park & Ride, as requested by the Maryland Transit Authority. Motion carried, 5-0.4. Department of Aging

Present: Jennie Page, Acting Director

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Department of Aging NGA's on the Curb Abuse in Medicare and Medicaid Program Grant, and related Budget Amendment in the amount of \$139. Motion carried, 5-0.

5. Department of Public Works and Transportation Present: George Erichsen, Director

a. Public Works Agreement for Continued Maintenance and Repair for the Aberdeen Subdivision, Section 2, Phase 1. Located in the 2nd Election District with an expiration date of September 8, 2006. Cash surety in the amount of \$40,800 has been posted based on the Department's Inspection Report dated July 27, 2005. The roads included in this agreement are: Aberdeen Lane (908') and Burns Drive (1,383').

b. Public Works Agreement for Continued Maintenance and Repair for the Aberdeen Subdivision, Section 2, Phase 2. Located in the 2nd Election District with an expiration date of September 8, 2006. Cash surety in the amount of \$4,500 has been posted based on the Department's Inspection Report dated July 27, 2005. The road included in this agreement is: Nelson Court (842').

c. Resolution accepting Aberdeen Lane, Burns Drive and Nelson Court into the County Highway Maintenance System. Located in the Aberdeen Subdivision, Section 2, Phases 1 and 2, 2nd Election District. Also, attached are Resolutions posting stop signs and a 25-mph speed limit for said roads. Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Public Works Agreements for Continued Maintenance and Repair for the Aberdeen Subdivision, Sections 2, Phases 1 and 2, and approve and sign Resolution accepting Aberdeen Lane, Burns Drive, and Nelson Court, located in the 2nd Election District, into the County Highway Maintenance System. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and sign Resolutions for the posting of stop signs and a 25-mph speed limit for roads outlined in item c. Motion carried 5-0.d. Resolution posting a No Parking Zone on Golden Beach Road, County Route 30004, *located in the 5th Election District*. No Parking Zone along Golden Beach road from its intersection with All Faith Church Road to Hillview Drive, a distance of approximately 13,900 ft.

It was reported that the matter that prompted the Resolution to be drafted has since been rectified; however, it may need to be brought forward in the future, should another problem arise. Commissioner Jarboe moved, seconded by Commissioner Dement, to file the draft Resolution posting a No Parking Zone on Golden Beach Road, County Route 30004, located in the 5th Election District, with the Department of Public Works & Transportation, until such time as it may officially need to be signed as a Resolution. Motion carried, 5-0.e. Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$290,250 returning the duplicate funding of the STS Bus Barn back to the CIP Reserve. Motion carried, 5-0.f. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize staff to proceed on the formal process of dedicating the terminal building as the "Captain Walter Francis Duke Terminal Building" and to re-designate the airport as the "St. Mary's County Regional Airport" as recommended by the Airport Advisory Committee and Airport Manager. Motion carried, 5-0. *The Department of Public Works & Transportation was directed to put together a ceremony at the terminal building that would provide for a fitting tribute to Captain Duke. The ceremony should take place as close as possible to June 6, 2006, due to the June 6, 1945, date that Captain Duke was reported as missing in action.*

Staff was directed to present the cost to the Commissioners on changing the name of the airport on all billboards and anywhere else determined necessary.

Also Present for item g: Rick Tarr

g. Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Intergovernmental Agreement between the Maryland Environmental Service and St. Mary's County for the implementation of Household Hazardous Waste Collection and Disposal Project for FY 2006 (Calendar Year 2005). Motion carried, 5-0.

Staff was directed to correct the title on the document that lists James Harkins as Acting Director, as he is now the Director. In addition, the Hazardous Waste Collection and Disposal Project information should be broadcast on Cable Channel 95.

BOARD OF EDUCATION – FY 2007 STATE CAPITAL IMPROVEMENTS PROGRAM Present: Dr. Michael Martirano, Superintendent of Schools

Brad Clements, Chief Administrative Officer

Kimberly Howe, Supervisor of Capital Planning

Cathy Allen, Chair, Board of Education

Denis Canavan, Director, Land Use and Growth Management

St. Mary's County Public Schools presented their Fiscal Year 2007 Capital Improvements Program Update for review by the Board of County Commissioners. Detailed information regarding the status of land acquisition for future schools was presented, along with a construction timetable for a new elementary school, and planned capital projects to address elementary and secondary school capacity needs. Construction funding information and the details regarding the Capital Improvements Plan for FY 2007 through FY 2012 were presented.

Information regarding the challenges involved in providing for the relocation of base housing, and the potential for students to move to different schools other than the current Lexington Park locations was discussed. In addition, due to the requirement for full-day kindergarten, double the current

amount of school seats are needed for kindergarten students. Discussion took place on the need to move projects through the Zoning Board of Appeals and the Text Amendment process due to water and sewer issues. The state portion of the request for Fiscal Year 2007 is \$8,590,000. Commissioner Jarboe moved, seconded by Commissioner Dement, to sign the letter to Dr. David Lever, R. A., Executive Director of the Public School Construction Program for the State of Maryland, in order to support the Board of Education's Capital Improvement Request for Fiscal Year 2007. Motion carried, 5-0. COMMISSIONERS' TIME

Commissioner Dement

Attended the Maryland Bank and Trust ribbon cutting ceremony last week in Callaway.

Many of the Commissioners attended the Jack Candella building dedication ceremony in Leonardtown.

Reported that the weather was good for the St. Mary's County Fair and the Blessing of the Fleet event at St. Clement's Island Museum.

Expressed thanks to John Richards, the Fair Board, and many others who put the parade as well as the St. Mary's County Fair together. Also expressed congratulations to Ms. Cooke from Leonardtown High School, the newly crowned Queen of Tolerance.

Read a proclamation on behalf of the Commissioners at the home of Joe and Nancy Dick at St. Michael's Manor. Many people were dressed in colonial style for the event, which was a nice touch.

Enjoyed the Mechanicsville Fire Department meeting for the Southern Maryland Fireman's Association in Mechanicsville. They provided some good information at the event.

Commissioner Raley and I watched the demolition of the building that will soon become the home of the new Navy Museum.

Presented a proclamation to Ann Frances and Jean Woodman at Breton Bay on behalf of their 50th Wedding Anniversary.

Attended the public forum, along with Commissioner Jarboe and others at the Northern Senior Center, which was very educational, with excellent speakers. Many good questions were asked and the event was well attended.

Attended the St. Clement's Island "Gala" event for the first time – it was well-attended and a great experience. Commissioner Raley was the auctioneer and he did a great job, with a total of \$39,900 raised for the lighthouse.

Expressed happy birthday wishes to his granddaughter, Hannah.

Commissioner Mattingly

Attended the Highway Safety luncheon and award ceremony, which is Jackie Beckman's program, and the county received a certificate of participation at the event.

Attended the St. Clement's Hundred Annual Osprey Gala and the Blessing of the Fleet event, and expressed congratulations to the Optimist's Club and St. Clement's One Hundred for successful weekend events with great entertainment and beautiful weather.

Attended the Sotterley Wine Fest on Saturday, with the field so full of cars, they had to find additional parking. It was a nice event, and he heard that Sunday was equally well-attended.

Attended the Navy Alliance dinner last night, which is a very nice event each year. Reported that the County received a painting from Mary Lou Troutman.

Reported that a citizen asked that a link be placed on the county's telephone system in order to reach the office of the Board of County Commissioners. Asked staff to take care of this so that citizens can easily reach the Commissioners' office.

Commissioner Jarboe

Invited citizens to attend the Farm Life Festival this weekend at the Parlett family farm.

Commissioner Raley

Expressed appreciation to those involved in the ribbon cutting and reception at the new Maryland Bank and Trust Bank in Callaway last Tuesday. They are wished great success, and the layout of the facility looks very good. Commissioner Dement represented the Board; however, the other Board members met with Secretary Flanagan during that time.

Thanked the other Commissioners for their acceptance of the fun ribbing that took place at the Gala last Friday evening. A good time was had by all.

Expressed congratulations to Donna Gebicke upon the event of her daughter's wedding last Saturday. It was a beautiful event on the grounds of Tudor Hall, and was well-done.

Encouraged citizens to attend events this Sunday – they could have breakfast at Immaculate Heart of Mary, lunch at the Farm Life Festival, and end it all with dinner at Christ Church.

Commissioner President McKay

Reported that Mary Lou Troutman's painting will be placed in the Governmental Center for all citizens to enjoy. The Navy Alliance event was very enjoyable, and General Hough was an excellent illustrator, speaker, and an inspiration to all present.

Outlined some of the General's main points, and stated that the county cannot stop being vigilant now, but must continue to protect the interests of

Patuxent River Naval Air Station due to future Base Realignment and Closure Commissions and to assist the functions and missions of the base. COMMUNITY MEDIATION CENTER OF ST. MARY'S COUNTY

Present: Dr. John Roberts, Executive Director

Melissa Holmes

Alan Cecil

Lynn Cantrell

Individuals from the Community Mediation Center of St. Mary's County outlined the mission and goals of the center and invited citizens and organizations to tap into their free mediation services. They are a grant-funded operation. VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to enter into Executive Session in order to discuss matters of Personnel, Real Property Acquisition, and Litigation, as provided for in Article 24, Sections 4-210(a)1, 4-210(a)11, and 4-210(a)8, respectively. Motion carried, 5-0.

Donna Gebicke recorded the following minutes:

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

Sue Sabo, HR Director

Authority: Article 24, Section 4-210(a)1

Time Held: 2:25-3:24 pm

Action Taken: The Commissioners discussed personnel matters.

Real Property

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

John Savich, Director, Economic & Community Development

Robin Finnacom, Exec. Director, Community Development Corporation

Authority: Article 24, Section 4-210(a)11

Time Held: 3:25-4:40 pm

Action Taken: The Commissioners discussed real property acquisition matters.

Litigation

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

Elaine Kramer, Chief Financial Officer

Carol Gallagher, Procurement Manager

Authority: Article 24, Section 4-210(a)8

Time Held: 4:45 – 4:55 pm

Action Taken: The Commissioners discussed a litigation matter.

The meeting reconvened at 6:38 p.m. Susan Wolfe recorded the remaining minutes:

ACTION FROM EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, that the Board of County Commissioners direct staff to proceed as discussed in Executive Session regarding the hiring of a Director of Public Safety, and other matters of Personnel and Real Property. Motion carried 5-0. **PUBLIC MEETING: TO RECEIVE PUBLIC COMMENTS AND PRESENTATIONS ON THE PROPOSED 2006 LEGISLATIVE PACKAGE**

Present: Delegate John F. Wood, Jr., District 29A, Charles & St. Mary's Counties

The Board of County Commissioners held a public meeting to receive presentations from citizens and staff submitting legislative proposals for 2006 and public comments on the proposals.

Presentations and public comments were made by persons as noted on the following proposals:

- 1) Commission on Aging, Presenter: Mary Ruth Horton and National Association of Retired Federal Employees Chapter 969, Presenter: Pat Myers, President – Repeal sunset on State enabling authority for St. Mary's County Senior Property Tax Credit. (Ch. 195 of the 2005 Laws of Maryland)
- 2) St. Clements Hundred, Presenter: Dick Gass, President – Bond bill for \$300,000 to rebuild the historic lighthouse on St. Clement's Island State Park.
- 3) Presenter: Kelly Allen, citizen, 18410 Chestnut Street, Lexington Park – Prohibit convicted sexual offenders from residing within a certain distance of schools and daycare facilities. (Statewide)

Ms. Allen was unable to attend the meeting; she will send a letter to the Board of County Commissioners within the week.

4) Presenter: Douglas Scott Arey, citizen – Decrease the number of days per month that an inmate serving a term of confinement for abuse or sexual abuse of a minor is allowed as a deduction from the term of confinement. (Statewide)

Mr. Arey was unable to attend the meeting.

5) Presenter: Raymond Dudderar, citizen, 45655 Swanfall Way, California – Establish objective metrics/standards for erosion and sedimentation control and hold applicants liable for all damage caused by erosion and sedimentation from disturbed site. (Statewide)

6) Presenter: Keith Harless, citizen, 23225 Mirfield Lane, Lexington Park – Require all persons who are convicted of any sexual offense against a minor to register with the Maryland Sex Offenders Registry. Remove judicial discretion in ordering registration. (Statewide)

7) Presenter: Keith Harless, citizen, 23225 Mirfield Lane, Lexington Park – Prohibit persons listed on the Maryland Sex Offender Registry from residing with one-half (1/2) mile of any school. (Statewide)

8) Presenter: Keith Harless, citizen, 23225 Mirfield Lane, Lexington Park –

Require a county government to post on the County television station the name, address, and category of offense of any person registered on the Maryland Sex Offender Registry and residing in that county. (Statewide)

Noel Wood, citizen, 44578 Whitestone, Tall Timbers, recommended that this action be taken for convicted offenders only.

9) Presenter: Keith Harless, citizen, 23225 Mirfield Lane, Lexington Park – Require a county government to publish twice a month, in the legal ad section of a newspaper of

10)

general circulation in that county, the name, address, and category of offense of any person registered on the Maryland Sex Offender Registry and residing in that county. (Statewide)

Noel Wood, citizen, 44578 Whitestone, Tall Timbers, recommended that this action be taken for convicted offenders only.

11) Presenter: Keith Harless, citizen, 23225 Mirfield Lane, Lexington Park – Require St. Mary's County government and school system to provide equal compensation to bus drivers for public school routes and bus drivers for private school routes.

12) Presenter: Keith Harless, citizen, 23225 Mirfield Lane, Lexington Park – Amend the St. Mary's County income tax formula to restore the former "piggyback tax."

13) **Presenter: Keith Harless, citizen, 23225 Mirfield Lane, Lexington Park** – Require County government to provide health services via school health nurses in all schools (public and private) in St. Mary's County.

Robert Jarboe, citizen, Leonardtown, noted that this proposal may need enabling legislation.

14) **Presenters: Commissioner Raley and Jim Collison, citizen, 18863 Cully Lane, Lexington Park** – Provide an exemption for St. Mary's County from the licensing requirement for "tree experts." (Ch. 197 of the 2005 Laws of Maryland)

Commissioner Raley clarified this proposal noting that the legislative request would be to create a grandfather clause in the existing law.

Bob Russell, citizen, 21571 Gerard's Cove Road, Abell, citizen, spoke in favor of the proposal, but suggested the existing law be amended.

Robert Jarboe, citizen, Leonardtown, spoke in favor of the proposal.

15) **Emergency Services Committee, Presenter: Mike Barnett, Vice Chair** – Increase bond authorization from the \$3 million to \$5 million to provide additional funding for the St. Mary's County Capital Revolving Financial Fund for Fire Fighting Equipment and Facilities.

16) **Emergency Services Committee, Presenter: Keith Fairfax, Chair** – Provide a countywide real property tax credit for homeowners who install fire sprinkler systems in one- and two-family dwellings.

Fred Reetz, citizen, 28288 Mt. Sterling Court, Mechanicsville, and Secretary, Emergency Services Committee - spoke in favor of the proposal.

17) **Alcohol Beverage Board, Presenter: Pat Insley** – Establish a one-day Class BTWS on-premise beer and wine tasting or sampling license in St. Mary's County.

Ms. Insley was unable to attend the meeting.

18) **Housing Authority, Presenter: Dennis Nicholson** - Provide recordation tax exemption for recorded instruments granting a security interest from public agencies.

19) **Metropolitan Commission, Presenter: Steve King** - Authorize replacement of benefit assessment with system improvement charge.

20) **Department of Economic and Community Development, Presenter: John Savich, Director** – Authorize creation of special taxing districts in St. Mary's County to finance growth-related or economic development infrastructure.

Keith Harless, citizen, 23225 Mirfield Lane, Lexington Park, remarked that the proposals from the Metropolitan Commission and the Department of Economic and Community Development differed in their approaches to tax assessments.

Timmy Ruppensberger, Venable LLP, will submit examples of special taxing districts from other states and Maryland counties.

Heidi Dudderar, Deputy County Attorney, will provide a list of St. Mary's County special taxing districts.

21) Department of Economic and Community Development, Presenter: John Savich, Director – Repeal June 20, 2006 sunset on authorization to waive or defer impact fees for affordable housing. (Ch. 543 of the 2004 Laws of Maryland)

Noel Wood, citizen, 44578 Whitestone, Tall Timbers, and member, Maryland Association of Realtors, spoke in favor of the proposal.

Chuck Stein, President, Habitat for Humanity, spoke in favor of the proposal.

Guy Curley, citizen, 22501 Iverson Drive, Great Mills, and member, St. Mary's County Chamber of Commerce, spoke in favor of the proposal.

Mr. Savich was asked by the Commissioners to submit his Department's most recent annual report on to the state delegation.

22) Office of the County Attorney, Presenter: Heidi Dudderar, Deputy County Attorney – Repeal June 20, 2006 sunset on authorization to use impact fee revenue for solid waste and parks. (Ch. 543 of the 2004 Laws of Maryland)

It was announced that the Commissioners will take positions on the legislative proposals at their October 18th meeting, and the joint public meeting with the Delegates, originally scheduled for October 25th, will have to be rescheduled.ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Minutes Approved by the Board of County Commissioners on _____

Susan J. Wolfe, Acting Senior Administrative Coordinator

to the Board of County Commissioners

